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The Gazette of Puducherry

PART - II

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GOVERNMENT OF PUDUCHERRY LABOUR DEPARTMENT

(G.O. Ms. No. 28/Lab./AIL/G/2013, dated 22nd August 2013)

NOTIFICATION

The following draft of certain rules which the Lieutenant-Governor, Puducherry proposes to make the following rules further to amend the Puducherry Catering Establishments Rules, 1964, in exercise of the powers conferred under sub-sections (1) and (2) of section 29 of the Puducherry Catering Establishments Act, 1964 is hereby published for the general information of all persons as required by sub-section (3) of section 29 of the said Act.

Notice is hereby given that the said draft rules will be taken into consideration on the expiry of forty-five days from the date of publication of this notification in the official gazette. Any objection or suggestion with respect to the said draft rules received from any person within the period specified above will be considered by the Government. The objections or suggestions shall be addressed to the Secretary to Government, Labour Department, Puducherry.

Draft rules

1. *Short title and commencement.*— (1) These rules may be called the Puducherry Catering Establishments (Amendment) Rules, 2013.

(2) They shall come into force on and from the date of their publication in the official gazette.

2. *Amendment of rule 3.*— In the Puducherry Catering Establishments Rules, 1964 (hereinafter referred to as the principal rule) in rule 3, below sub-rule (2) for the existing Table, the following shall be substituted, namely:-

“THE TABLE

If the number of employees proposed to be employed on any day during the financial year to which the registration fees relates:-

Sl. No	Particulars	Fees
(1)	(2)	(3)
		₹
1	Is “Nil”, <i>i.e.</i> , no person is employed in catering establishment.	30.00
2	Does not exceed 5	100.00
3	Exceeds 5 but does not exceed 10	200.00
4	Exceeds 10 but does not exceed 20	350.00
5	Exceeds 20 but does not exceed 50	1,000.00
6	Exceeds 50 but does not exceed 100	2,000.00
7	Exceeds 100 and above	2,500.00”.

3. In the principal rules, after rule 3 as so amended, the following rule shall be inserted, namely:—

“3-A. Inspector's power to call for particulars before registration.— Before registering the catering establishment and issuing a registration certificate under sub-section (3) of section 4, the Inspector may, for the purpose of being satisfied about the correctness of the application sent to him under sub-section (1) of that section call for such particulars as he may think fit”.

4. *Amendment of rule 5.*— In the said rules, in rule 5, after sub-rule (2), the following shall be inserted, namely:—

“5-A. Amendment of certificate of registration.— (1) The certificate of registration issued under rule 4 or renewed under rule 6 may be amended by the Inspector concerned.

(2) The application for the amendment of a certificate of registration shall be accompanied by -

(i) a statement indicating the nature of the amendment required;

(ii) a statement showing the change in particulars already furnished in the application for registration under rule 4, which necessitates the amendment;

(iii) a treasury receipt showing that the appropriate fee for the amendment of the certificate of registration has been paid in the local treasury; and

(iv) the certificate of registration originally issued.

(3) The fee for the amendment of the certificate of registration shall be rupees fifteen only in addition to the amount if any, by which the fee would have been payable if the certificate of registration had been originally issued in the amended form, exceeds the fee paid for the certificate of registration.”.

5. *Amendment of rule 6.*— In rule 6 of the said rules, for sub-rule (3), the following shall be substituted, namely:—

“If the application for renewal is not sent within the time specified in sub-rule (1) but is sent after the expiry of such period, the registration certificate may be renewed only on payment of the additional fee specified below in addition to the fee payable under sub-rule (2) the renewal of the registration certificate.

- (a) If the application for renewal is sent within a period of one month from the date of expiry of registration certificate. . . 25 per cent. of the fee payable under sub-rule (2).
- (b) If the application for renewal is sent after the expiry of one month but within 2 months from the date of expiry of the registration certificate. . . 50 per cent. of the fee payable under sub-rule (2).
- (c) If the application for renewal is sent after the expiry of two months from the date of expiry of registration certificate. . . 100 per cent. of the fee payable under sub-rule.”.

6. In the principal rules, after rule 6, the following new rules shall be inserted, namely:-

"6-A. Transfer of registration certificate.— (1) The employer holding a registration certificate may, at any time, before the expiry of the registration certificate apply in Form No.1-A for permission to transfer the registration certificate to another person.

(2) An application under sub-rule (1) shall be sent to the Inspector together with the registration certificate and a fee of rupees fifteen. If the Inspector approves the proposed transfer, he shall enter upon the registration certificate under his signature an endorsement to the effect that the registration certificate has been transferred to the person named by the holder of the registration certificate.

(3) An application for the transfer of a registration certificate under this rule shall be dealt with by the Inspector in the same manner as an application sent under sub-section (1) of section 4 of the Act.

6-B. Procedure on death of a holder of the registration certificate.— If an employer holding a registration certificate dies, and in such an event of the legal heir or legal representative desires to continue the business, they may within two months from the date of the death of the employer make an application together with the registration certificate in original to the

Inspector in Form No.1-A for transfer of the registration certificate to the name of the applicant and the Inspector shall enter in the registration certificate under his signature an endorsement to the effect that the registration certificate has been transferred to such legal heir or legal representative.”.

7. *Amendment of rule 8.*— In the principal rules, in rule 8, after sub-rule (2), the following shall be inserted, namely:-

“(3) If any application for the grant or renewal of a registration certificate is rejected the registration fee paid shall be refunded to the applicant by the Inspector.

(4) The Inspector, if satisfied, may also refund the excess registration fees, if any, paid by the employer.”.

8. *Amendment of rule 9.*— In the principal rules, after rule 9, the following rule shall be inserted, namely:-

“9-A. Ascertainment of age by the Inspector.— The Inspector may require an employer to produce an authentic extract from the records of any school, village, panchayat or municipality or other local body and in the absence of such extract, at least a certificate in Form No.V-A from a Registered Medical Practitioner showing the age of any person employed by such employer.”.

9. *Amendment of rule 13.*— In the principal rules, for rule 13, the following shall be substituted, namely:-

“13. Scale of dress to be supplied to the employee.— (1) The employee shall keep his person and dress in a clean and tidy condition:

Provided that each employee with not less than six months continuous service shall be supplied by the employer with the dress as specified below:

(a) *Servers*- Either two pants or at the option of the employee four dhoties of (1.83 metres) each and two shirts with half sleeves for every 12 months.

(b) *Cleaners*- Two half pants and two shirts with half sleeves for every 12 months.

(c) *Kitchen staff*- Two aprons for every 12 months.

(2) Unless the employer makes at his own cost adequate arrangements for the washing of uniforms provided by him to the employees of the catering establishments, the employees shall be paid an allowance for washing of such uniforms at the rate of rupees three per month, in arrears on the day on which the wages or salary of the employees are paid.”.

10. *Amendment of rule 16.*— In the principal rules, for rule 16, the following shall be substituted, namely:-

“16. Fire extinguishers and first-aid boxes.— (1) There shall be adequate fire extinguishers or fire buckets filled with sand to deal with fire accidents. The Inspector may specify the number of fire extinguishers or fire buckets to be provided in a catering establishment as may be deemed necessary.

(2) There shall be provided and maintained so as to be readily accessible in or near the kitchen first-aid boxes or cupboards equipped with the following:-

(a) In respect of catering establishments, in which the number of persons employed does not exceed 20, each first-aid box or cupboard shall contain the following equipment:-

- (i) Six small sterilized dressings;
- (ii) 3 medium size sterilized dressings;
- (iii) 3 large size sterilized dressings;
- (iv) 3 large size sterilized burn dressings;
- (v) 1 bottle of not less than 25 ml. of a 2% alcoholic solution of iodine.
- (vi) 1 bottle containing not less than 25 ml. of salvolatile having the dose and mode of administration indicated on the label;
- (vii) A snake-bite lancet;
- (viii) 1 bottle of not less than 25 gms. of potassium permanganate crystals;
- (ix) One pair of scissors;
- (x) 1 copy of the first-aid leaflet issued by the Chief Adviser (Factories), Government of India;

- (xi) Eye-drops; and
- (xii) Nebasulph or Neosprin.

(b) In respect of catering establishments, in which the number of persons employed exceeds 20, but does not exceed 50, each first-aid box or cupboard shall contain the following equipment:

- (i) 6 packets of not less than 15 gms. sterilized cotton wool;
- (ii) 6 medium size sterilized dressings;
- (iii) 6 large size sterilized dressings;
- (iv) 6 large size sterilized burn dressings;
- (v) 6 (1/2 oz.) packets sterilized cotton wool;
- (vi) 1 bottle of not less than 50 ml. containing 2% alcoholic solution of iodine.
- (vii) 1 bottle of not less than 50 ml. containing salvolatile having the dose and mode of administration indicated on the label;
- (viii) One roll of adhesive plaster;
- (ix) A snake-bite lancet;
- (x) 1 bottle of not less than 25 gms. of potassium permanganate crystals;
- (xi) One pair of scissors;
- (xii) One copy of first-aid leaflet issued by the Chief Adviser (Factories), Government of India;
- (xiii) Eye-drops; and
- (xiv) Nebasulph or Neosprin.

(c) In respect of catering establishments in which the number of persons employed exceeds 50, each first-aid box or cupboard shall contain the following equipment:-

- (i) 24 small sterilized dressings;
- (ii) 12 medium size sterilized dressings;
- (iii) 12 large size sterilized dressings;

- (iv) 12 large size sterilized burn dressings;
- (v) 12 packets of not less than 15 gms. sterilized cotton wool;
- (vi) a snake-bite lancet;
- (vii) one pair of scissors;
- (viii) 2 bottles of not less than 25 gms. each of potassium permanganate crystals;
- (ix) 1 bottle of not less than 100 ml. containing 2% alcoholic solution of iodine.
- (x) 1 bottle of not less than 100 ml. of salvolatile having the dose and mode of administration indicated on the label;
- (xi) 1 copy of the first-aid leaflet issued by the Chief Adviser (Factories), Government of India;
- (xii) twelve roller bandages- 100 mm. or 10 cm. wide.
- (xiii) twelve roller bandages - 50 mm. or 5 cm. wide;
- (xiv) two rolls of adhesive plaster;
- (xv) six triangular bandages;
- (xvi) two packets of safety pins;
- (xvii) a supply of suitable splints;
- (xviii) one tourniquet;
- (xix) eye-drops; and
- (xx) Nebasulph or Neosprin.

(3) Each first-aid box or cupboard shall be distinctively marked with a red cross on a white background.”.

11. *Amendment of rule 23.*— In the principal rules, in rule 23, after sub-rule (5), the following shall be inserted, namely:-

“(6) If the employer or his representative fails to appear on the specified date, the appellate authority may proceed to hear and determine the appeal *ex parte*.

(7) If the appellant fails to appear on the specified date, the appellate authority may dismiss the appeal.

(8) Notwithstanding anything contained in sub-rules (6) and (7) an order passed under either of those sub-rules may be set aside and the appeal reheard on good cause being shown within one month of the date of the said order, notice being served on the opposite party of the date fixed for such rehearing.”.

12. *Amendment of rule 24.*— In the principal rules, in rule 24, after sub-rule (7), the following shall be inserted, namely:-

“(8) Every employer shall maintain a Register of Wages in Form No. XIII.

(9) Every employer shall issue a wage slip in Form No. XIV to every employee, every month a day prior to the disbursement of wages or at least on the day of disbursement of wages or if the wages are paid daily, along with wages duly signed by him or any other authorised person and also obtain signature of the concerned employee. The copies of wage slip issued shall be maintained by the employer and produced to the Inspector on demand.

(10) Every employer shall maintain a Register of advances, deductions of damages or loss and fines in Form No. XV.”.

13. *Insertion of new rules* - In the principal rules, after rule 28, the following new rules shall be inserted, namely:-

“29. Production of registers, records and notices.— The registers, records and notices maintained or exhibited under the provisions of these rules shall always be available in the establishment and shall be produced or caused to be produced for inspection at all reasonable hours by an Inspector having jurisdiction.

30. Preservation of records.— The registers, returns and other records maintained or received under these rules and specified in column (2) of the Table below shall be preserved for the periods specified in the corresponding entries in column (3) thereof.

THE TABLE

Sl. No.	Description of the records	Period of preservation
(1)	(2)	(3)
1	Register of catering establishments	Permanent
2	Registration certificate counterfoils	8 years
3	Application sent by the employers for obtaining registration certificates.	5 years
4	Notification of change in Form IV received from employers.	5 years
5	Chalans	5 years
6	Annual returns for the employers	3 years

31. Manner of destruction of records.— (1) After the period of preservation specified in rule 30, the registers, returns and records shall be destroyed either by tearing or by burning in the presence of the head of the office.

(2) The records destroyed by tearing may be sold or otherwise disposed of in such manner as the head of the office thinks fit.”.

14. *Amendment of Forms.*— In the Principal rules, in the Appendix,-

(a) for Form-I appended thereto, the following shall be substituted, namely:-

“FORM-I

[See sub-rule (1) of rule 3 and sub-rule (1) of rule 6]

**APPLICATION UNDER SUB-SECTION (1) OF SECTION 4
FOR REGISTRATION/APPLICATION UNDER SUB-SECTION (4)
OF SECTION 4 FOR RENEWAL OF REGISTRATION
CERTIFICATE FOR THE CALENDAR YEAR.....**

1. Full name of the catering establishment :
2. (i) Full postal address and situation of the catering establishment. :

-
- (ii) Full address to which communications relating to the catering establishment should be sent. :
3. (i) Maximum number of employees proposed to be employed on any one day during the calendar year. :
- (ii) Number of employees ordinarily to be employed in the catering establishment :
4. Full name and residential address of the person who shall be Manager of the catering establishment. :
5. Full name and residential address of the employer other than the Manager, that is to say- :
- (i) The proprietor of the catering establishment.
- (ii) Directors in case of a public limited liability establishment.
- (iii) Where a managing agent has been appointed, the name of managing agent and directors thereof; and
- (iv) Shareholders, if any
6. Financial resources of the employer (*e.g.* particulars and value of movable and immovable properties, bank reference, income-tax assessment, etc.) :
7. Previous experience of the applicant in the catering industry. :
8. Whether the proposed site of the premises amounts to the alteration of the site of any existing premises and if so, the reasons for such alteration. [The employer should quote the licence or any other order from the Local Authority, Municipality, Commune Panchayat or Specially Notified Area)]. :

9. Whether any catering establishment :
was closed by the applicant during the
period of twelve months immediately
preceding the date of the application
and if so, the reasons therefor.

10. Amount of fee ₹(Rupees.....
Paid in No.Treasury/ Bank on.....
Chalan.....(enclosed).

Signature of Manager :

Date :

Signature of employer :

Date :

Note.—(1) This form shall be completed in ink in block letters or typed.

(2) If any of the persons named against item 5 is a minor, the fact shall be stated.

(3) In the case of catering establishment where a managing agent or agents have been appointed under the Companies Act, 1956 (Central Act 1 of 1956), the information required in item 5 shall be supplied only in respect of that person or persons."

(b) after Form-I as so substituted, the following shall be inserted, namely:-

“FORM -I-A

[See rule 6-A]

APPLICATION FOR TRANSFER OF REGISTRATION CERTIFICATE

1. Full name of the catering establishment :
2. Full postal address and situation of the :
catering establishment
3. Registration certificate number :
4. The name and address of the persons to :
whom the registration certificate is to be
transferred.

5. Full name and residential address of the :
person who shall be the employer of the
catering establishment
6. Full name and residential address of the :
employer other than the Manager of the
catering establishment.
7. Amount of fee ₹..... (Rupees.....)
paid in No.....Treasury /Bank on
(vide chalan enclosed).

I agree that I shall accept all liabilities of the transfer in respect
of the employees of the catering establishment.

Date : *Signature of the transferee.*

I agree that the Registration Certificate No.,
dated..... may be transferred in the name of

Date : *Signature of the transferor.*
(Holder of the registration certificate).

N.B. - This form shall be completed in ink in block letters or typed.”.

(c) for Form-III appended thereto, the following shall be
substituted, namely:-

“FORM-III

[See sub-rule (2) of rule 4]

**REGISTRATION CERTIFICATE OR RENEWAL THEREOF
IN RESPECT OF A CATERING ESTABLISHMENT**

Registration number :

Fees ₹

Sl. No.

Certified that is
registered as a catering establishment in the Register of catering
establishments and that employer of
the catering establishment is permitted to employ not more than
..... employees on any day during the calendar year.

This certificate shall remain in force till the 31st day of December 20 .

Dated :

Inspector.

Renewal

Date of Renewal	Fees paid for renewal	Date of expiry	Signature of the Inspector
(1)	(2)	(3)	(4)
(1)			
(2)			
(3)			
(4)			

Amendments

Amended to employ maximum number of employees.	Signature of the Inspector
(1)	(2)
(1)	
(2)	
(3)	
(4)	

Transfers

Name of the person to whom transferred	Name of the catering establishment	Signature of the Inspector
(1)	(2)	(3)
(1)		
(2)		
(3)		
(4)		”.

(d) after Form-IV appended thereto, the following shall be substituted, namely:-

“FORM-V
REGISTER OF EMPLOYMENT
(CATERING ESTABLISHMENTS)
[See sub-rule (1) of rule 18]

Name and address of the establishment		Month:										Year:	
(1)	Serial number												
(2)	Name of the employee												
(3)	Sex												
(4)	Designation (Nature of work)												
(5)	Age/Date of Birth												
(6)	Date of medical examination and certificate number												
(7)	Medical leave	Leave credit at the beginning											
(8)	Leave earned												
(9)	Daily hours of work done including overtime (if any) 1,2,3.....30,31.												
(10)	Total overtime hours worked in the month.												
(11)	Total hours worked in the month.												
(12)	Total days worked in the month.												
(13)	No. of days in balance for calculating EL.												
(14)	No. of days of EL to be credited (1 day for 20 days).												
(15)	No. of days of EL availed.												
(16)	No. of days remaining for calculating EL.												
(17)	No. of EL balance (To be carried forward toward to next month).												
(18)	No. of ML balance												

(e) after Form -V appended thereto, the following shall be inserted, namely:-

“FORM-V-A

[See rule 9A]

AGE CERTIFICATE

I hereby certify that I have personally examined (name) son/daughter/wife of aged years, residing at and that (name) employed by (here mention the name of employer, name of the catering establishments and address) has completed sixteen/ eighteen years of age.

Descriptive marks are :

Signature or thumb-impression of the employee.

Place :

Date :

*Signature and designation of
Registered Medical Practitioner.”.*

(f) for Form-IX appended thereto, the following shall be substituted, namely:-

“FORM-IX

[See sub-rule (1) of rule 24]

REGISTER OF MUSTER ROLL

1. Serial number :
2. Name of the person employed :
3. Young person or not :
4. Father's name :
5. Time at which employment commences :
6. Time at which employment ceases :
7. Rest interval :
8. Hours worked on :
1 2 3 4 5 6 7
9. Total hours worked during the week :
10. Days on which overtime work done and
extent of such overtime on each occasion. :
11. Extent of overtime working during the week : .”.

(g) for Form -X appended thereto, the following shall be substituted, namely:-

“FORM - X

**NOTICE OF DAILY HOURS OF WORK, REST INTERVAL,
WEEKLY HOLIDAY, ETC.**

[See sub-rule (3) of rule 24]

Name and full address of the establishment:	Name of the employer/contractor/ Managing Director/Managing Partner/or authorised person with full residential address
Date of payment of wages:	

PART - I

Serial number	Name of the employee	Sex	Father's/Husband's name	Designation	Employee number	Date of entry into service	Adult/adolescent/child	Shift number	Time of commencement of work.	Rest interval	Time which work ends	Weekly holiday
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

H-Weekly Holiday; ML-Medical Leave; Earned Leave MBL-Maternity Leave;
SH-Substituted Holiday; NH-National Holiday; FH-Festival Holiday

The National Holiday and/or approved Festival Holiday occurring in the month shall be indicated against the date on the top.

PART-II

Class of workers	Rates of wages	
	Maximum	Minimum

N.B.: If shifts are not available mention as "GENERAL"

Date:

*Signature of the Employer/
Contractor/Managing Director/
Managing Partner/Manager/
Authorised person
(Name in Capitals)".*

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d

PART-I

PART-II]

LA GAZETTE DE L'ETAT

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(h) after Form -XIII as so inserted to, the following shall be inserted, namely:-

“FORM-XIV

WAGE SLIP

(See sub-rule 9 of rule 24)

1. Name and address of the :
establishment
2. Name of the employee :
3. Father's/Husband's name :
4. Designation :
5. Date of entry into service :
6. Wage period : From to
7. Wage earned Deductions

(a) Basic	:	(h) E.P.F.	:
(b) D.A.	:	(i) E.S.I.	:
(c) H.R.A.	:	(j) Other deductions :	
(d) O.T. wages	:		
(e) Leave wages	:		
(f) Other allowances	:		
(g) Gross wages	:	Net amount paid:	
8. Leave availed during the month: EL ML
9. Leave at credit : EL ML

*Signature of the Employer/
Manager/or any other
authorised person.*

*Signature or thumb-impression
of the employee.”.*

(i) after Form -XIV as so inserted to, the following shall be inserted, namely:-

“FORM-XV

REGISTER OF ADVANCES PAID, DEDUCTION FOR DAMAGES OR LOSS AND FINES”

[See sub-rule (10) of rule 24]

Name and address of the establishment:									Month :		Year :								
Serial number	Name of the employee	Father's/Husband's name	Employee number	Designation	Advance paid				Deduction for damages/loss					Fines			Signature/Thumb-impression of the employee	Remarks	
					Date of payment	Amount paid	No. of instalments to be recovered	Date on which recovery completed	Damage/Loss caused	Date of show cause notice	Total amount of deduction imposed	No. of instalments to be recovered.	Date on which deduction completed	Act or omission	Date of show cause notice	Amount of fine imposed			Date on which fine recovery completed
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)
																			”

(By order of the Lieutenant-Governor)

G. SRINIVAS,
Joint Secretary to Government (Labour).

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